

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIANNE NELSON,

Plaintiff, No. CIV S-04-1103 DFL KJM PS

vs.

PLACER COUNTY, et al.,

Defendants. ORDER

The court is in receipt of a letter from plaintiff that will be construed as a request for extension of time. Plaintiff states she did not serve the request on opposing counsel and requests that the matters contained therein remain confidential. It does not appear to the court that matters referred to in plaintiff's request merit sealing. However, the court will direct the filing of plaintiff's request under seal temporarily, pending plaintiff's showing cause why her request should be maintained under seal.

As to plaintiff's request for accommodation, the court notes that throughout this litigation, plaintiff has repeatedly requested extensions of time and in general has not diligently prosecuted this action. The pending motion for summary judgment already has been continued for hearing and plaintiff was afforded a generous extension of time to respond to the motion. The motion was filed April 28, 2006 and plaintiff has now had over six weeks to formulate a

1 response. Pretrial conference is currently scheduled for August 11, 2006 and trial for October 23,
2 2006. Defendants are entitled to resolution of this matter. Even if plaintiff is having some
3 difficulties proceeding with the litigation, she initiated this action and, although proceeding pro
4 se, is obliged to prosecute the matter in a diligent fashion.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The hearing date of June 28, 2006 is vacated.
7 2. Plaintiff shall file opposition, if any, to the motion for summary judgment no
8 later than July 7, 2006. Failure to file opposition will be deemed as a statement of non-
9 opposition and shall result in a recommendation that this action be dismissed pursuant to Federal
10 Rule of Civil Procedure 41(b).

11 3. Reply, if any, shall be filed no later than July 14, 2006. The matter shall
12 thereafter stand submitted.

13 4. The Clerk of Court is directed to serve a copy of this order on plaintiff via
14 facsimile at (907) 262-6877¹ and also by mail.

15 5. The Clerk of Court is directed to file plaintiff's letter dated May 24, 2006 and
16 attached documents under seal, and to maintain said letter and documents under seal pending
17 further order of the court.

18 6. Within 20 days from the date this order is filed, plaintiff shall show cause in
19 writing why the letter dated May 24, 2006 and attachments should be maintained under seal.

20 DATED: June 16, 2006.

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UNITED STATES MAGISTRATE JUDGE
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25 26 ¹ The Clerk is advised that plaintiff must first be called at this number so that her facsimile
machine can be initiated; the number can then be used to fax the order to plaintiff.